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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

December 5, 2005

Mr. Don Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

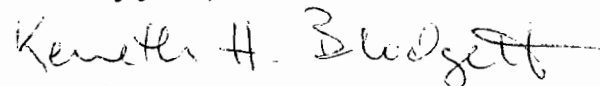
Re: AB-6 (Sub-No. 424X) - The Burlington Northern and Santa Fe Railway Company
- Abandonment Exemption - in Dawson and McCone Counties, Montana

Dear Mr. Klima:

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a Notice of Exemption with the Surface Transportation Board (Board) on October 18, 2004, to abandon rail line in the above-referenced proceeding. In response to BNSF's notification regarding this proposed abandonment, the Montana SHPO wrote to BNSF on April 8, 2005, indicating that the line might have sites eligible for listing on the National Register of Historic Places.

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA). Please find enclosed a copy of the Memorandum of Agreement (MOA) which resulted from the consultation process pursuant to the regulations implementing Section 106 of NHPA. The filing of this MOA with the Council completes our compliance responsibilities under Section 106 of NHPA.

Sincerely yours,



Kenneth H. Blodgett
Section of Environmental Analysis

cc: Mr. John Sims, BNSF
Mr. Mark Baumler, Montana Historical Society
Mr. Wendell Pawlowski, McCone County Museum
Secretary's Office
SEA Chron

**MEMORANDUM OF AGREEMENT
BETWEEN THE SURFACE TRANSPORTATION BOARD,
BNSF RAILWAY COMPANY,
McCONE COUNTY MUSEUM, AND MONTANA HISTORICAL SOCIETY
REGARDING PROPOSED ABANDONMENT OF TRACKAGE
BETWEEN GLENDIVE, IN DAWSON COUNTY, MONTANA AND CIRCLE, IN
McCONE COUNTY, MONTANA
STB DOCKET NO. AB-6 (SUB-NO. 424X)**

WHEREAS, in Surface Transportation Board (STB) Docket No. AB-6 (Sub-No. 424X), by decision served December 6, 2004, the STB imposed a condition in the docket that BNSF Railway Company (BNSF) must retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; and

WHEREAS, McCone County Museum and the Montana Historical Society (SHPO) have agreed that appropriate and adequate mitigation action to be taken in response to identified harm to historical resources that will occur as a result of the abandonment and/or discontinuance of service and disposition of BNSF's assets shall be the following:

- 1) BNSF shall have a copy of BNSF's archaeological report, prepared by John Brumley, entitled: *A Cultural Resources Inventory of BNSF's Glendive to Circle Rail Line*, filed with the McCone County Library; and
- 2) BNSF shall pay, within 30 days of the final execution of this Memorandum of Agreement, FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) to the McCone County Museum for the express purpose of designing, constructing and installing an historic interpretive sign within McCone County. The objective of this sign shall be to inform the public of the construction and use of the rail line and of its importance in relation to the area's history. The constructed sign within McCone County shall become the property of the McCone County Museum.

WHEREAS, in consideration of the payment made by BNSF, the McCone County Museum has respectively agreed to undertake the design, construction and erection of its respective sign, and has agreed to abide by the following:

- 1) McCone County Museum shall be responsible for selecting the location where its sign shall be located, insuring that the selected location for the sign is one where the railway grade or other historic elements related to the history of the rail line are easily visible and readily accessible to the general public;
- 2) McCone County Museum shall be responsible for obtaining permission from the appropriate individuals or agencies to erect the sign at the selected location;

- 3) McCone County Museum shall be responsible for designing, constructing, and erecting the sign or for supervising the design, construction, and installation of its respective sign by second parties;
- 4) McCone County Museum shall be responsible for insuring that its sign is designed, constructed, and installed pursuant to this Agreement, within twelve (12) months from the receipt of BNSF's funding;
- 5) McCone County Museum shall be responsible for sending one (1) color copy photograph of the completed sign to each of the signatories of this Agreement within 30 days of completing the installation of the sign.

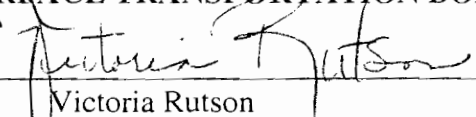
WHEREAS, the SHPO has agreed to assist the McCone County Museum by:

- 1) Providing the McCone County Museum with technical assistance concerning the type of sign, sign materials, and sign design services available and where those materials and services can be obtained; and
- 2) Assisting and guiding in the content, design, and completion of the sign.

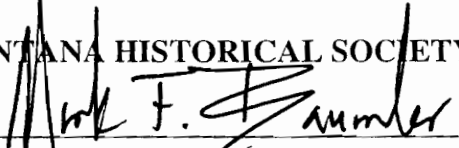
NOW THEREFORE, the parties hereto agree that the planned disposition of the assets pursuant to the authority granted in Docket AB-6 (Sub-No. 424X) shall be implemented without any further stipulations regarding mitigation for identified harm to historic properties; and further agree that execution of this Memorandum of Agreement by the parties hereto and its subsequent acceptance by the Advisory Council on Historic Preservation (ACHP), and implementation of its terms, evidences that the STB afforded ACHP an opportunity to comment on the proposed action relating to the line, and that the STB has taken into account the effects of the project on historic properties, in accordance with Section 106 of the National Historic Preservation Act.

ACCEPTED AND AGREED:

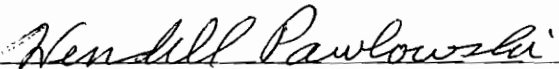
SURFACE TRANSPORTATION BOARD

By:  Date: 12/1/05
Victoria Rutson
Chief, Section of Environmental Analysis

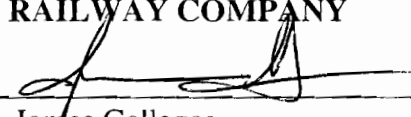
MONTANA HISTORICAL SOCIETY

By:  Date: 10/31/2005
Dr. Mark Baumbler
State Historic Preservation Officer

McCONE COUNTY MUSEUM

By:  Date: 10-21-05
Wendell Pawlowski
President

BNSF RAILWAY COMPANY

By:  Date: 10-27-05
James Gallegos
Vice President & Corporate General Counsel